IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

CRP.No. 526 of 2007()

TLB.2209/1977 of TALUK LAND BOARD, KOZHIKODE

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REVN. PETITIONER:

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1. THE DISTRICT COLLECTOR,
   KASARAGOD.

2. THE TAHSILDAR, KASARAGOD.

BY GOVERNMENT PLEADER SMT.. R.BINDU

RESPONDENTS:

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1. G.GANAPATHY BHAT, S/O LATE VISHNU BHAT,
   GOVINDAKUDLU, KUMBDAJE VILLAGE.

2. G.VISHNU BHAT, S/O LATE VISHNU BHAT,
   GOVINDAKUDLU, KUMBDAJE VILLAGE.

3. G.SREE RAMAKRISHNA SHARMA,
   GOVINDAKUDLU, KUMBDAJE VILLAGE.

R2 BY ADV. SRI.AJEESH S.BRITE
R1 & 3 BY ADV SRI.KODOTH SREEDHARAN

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 526 OF 2007 A

Dated this the 14th August, 2007.

O R D E R

Heard both sides. The Government have preferred this revision petition against the order of the Taluk Land Board whereby the court allowed the claim applications of two persons viz., the successor-in-interest of Vishunu Bhat. There was a contention before the Taluk Land Board regarding a partition deed of the year 1960 and a cancellation of the same by virtue of a document, 121/70. The contention of the Government is that document No: 121/70 has come into being after 1.1.1970 and not a document which is validated by an amendment act and therefore the parties have to be governed by document No:1912/60. The Land Board has considered that aspect as well. In the order the Land Board has considered the question and held that if the 1960 partition deed is considered, the statement giver has no right over the property and Shri. Vishnu Bhat, S/o.Venkateshwara Bhat who is the father of the claimant-petitioner owns the said property and that Shri. Vishnu Bhat was not having any lind in excess of the ceiling limit under the Kerala Land Reforms Act. It was also held that the claim petitioners

are also paying land tax from 1969-70 onwards. So, by virtue of this finding it would go to show that the declarant did not have any right over the property as on 1.1.70 and as per the document of 1960 which, even according to the State Government under Ground E is a valid document, was set apart to the share of Shri. Vishnu Bhat and the parties are claiming only under Shri. Vishnu Bhat and therefore, it cannot be taken into consideration for fixing the ceiling limits of the statement giver. When it is so, I do not find any illegality or irregularity committed by the Land Board, which calls for interference from this Court. Therefore C.R.P. is dismissed.

M.N.KRISHNAN
Judge

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